

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DELAWARE AUDUBON SOCIETY,)
CENTER FOR FOOD SAFETY, and)
PUBLIC EMPLOYEES FOR)
ENVIRONMENTAL RESPONSIBILITY,)
)
Plaintiffs,) Case No. 1:06-cv-223
)
vs.)
)
Secretary, United States Department)
of the Interior, DALE HALL,)
Director of United States Fish)
And Wildlife Service, and UNITED)
STATES FISH AND WILDLIFE)
SERVICE, an administrative agency)
of the United States Department of the)
Interior,)
)
Defendants.)
)

DECLARATION OF ERIC P. LEVY

I, Eric Levy, state:

1. My principal place of residence is 1829 Lower Bailey Road, Newport, PA 17074.

I make this declaration upon personal knowledge.

2. I have been a member and supporter of the Center for Food Safety since 2004.

3. The Fish and Wildlife Service's allowance of farming genetically engineered crops at the Prime Hook National Wildlife Refuge without preparation of an environmental review or a compatibility determination has, and will continue to, adversely affect me.

4. For four years, until December 2006, I resided at 412 Eastman Rd., Wilmington DE 19803, within an hour and a half of Prime Hook. During these years, I developed a deep connection to the land and wildlife of the Prime Hook Wildlife Refuge, regularly visiting the Refuge to hike, bird watch, look for and watch wildlife, enjoy seeing native and rare plants, and finding peace and quiet on the Refuge land.

5. I now live approximately four hours driving from Prime Hook. I have continued to visit the Refuge and like to camp at Cape Henlopen, enjoying the natural beauty of Prime Hook. When I visit the Refuge, I take pleasure in hiking in the Refuge. During my hikes, I enjoy watching birds such as the herons and egrets that visit the Prime Hook Refuge. I also look for muskrats and other wildlife, and I enjoy seeing native and rare plants. I plan to return to the Prime Hook Refuge at least once, likely twice a year to camp and enjoy Prime Hook.

6. The farming landscapes at the Refuge disrupt my aesthetic enjoyment of the natural areas. I am also concerned that the farming exposes me to herbicides when I visit the Refuge, especially because genetically engineered crops are associated with increased herbicide use. Additionally, the genetically engineered crops interfere with my enjoyment of the Refuge because herbicides harm birds, native plants, and other wildlife. I am also concerned that the crops alter the habitat and the diversity of species will change at the Refuge.

7. When I discovered that Prime Hook Refuge had genetically engineered crops on it, I visited the Refuge and spoke with the Refuge Manager, Jonathan Schafler. I expressed my concerns with him and he offered me explanations. I am concerned that

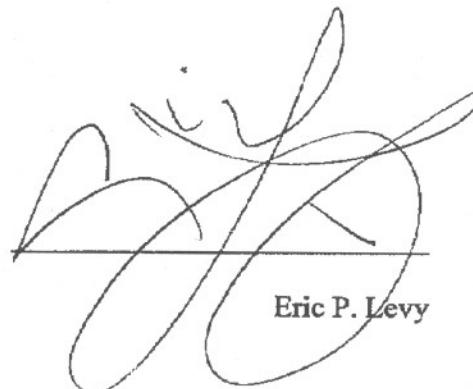
the Fish and Wildlife Service made its decision to allow genetically engineered crops without considering the environmental effects.

8. Additionally, I do not want to eat genetically engineered foods, and I am offended by the altering of the genetic structure of foods. I regularly purchase produce from local organic farms. The presence of genetically engineered crops at the Prime Hook Refuge coupled with the lack of labeling of such crops means that I may unintentionally consume foods with genetically engineered material when I buy foods grown near the Prime Hook Refuge.

9. I have an interest in the Prime Hook National Wildlife Refuge because I watch birds and hike there; and the Fish and Wildlife Service's decision to allow genetically engineered crops at Prime Hook has a negative impact on my aesthetic, recreational, and health interests.

10. I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 23, 2007

A handwritten signature in black ink, appearing to read "Eric P. Levy", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized 'E' and 'P'.